

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4430 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
  5. Whether it is to be circulated to the Civil Judge? : NO

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B M PATEL EDUCATION TRUST

Versus

PRESIDENT OR SECRETARY  
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Appearance:

MR DR BHATT for Petitioner  
MR HJ NANAVATI for Respondent No. 1  
MS BR GAJJAR AGP for Respondent No. 2  
MR AD OZA for Respondent No. 3  
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CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 04/05/2000

ORAL JUDGEMENT

I have heard Mr. H.J.Nanavati, learned counsel  
appearing on behalf of respondent no.1, Ms. B.R.Gajjar,

learned AGP appearing on behalf of respondent no.2 and Mr. A.D.Oza, learned Government Pleader for respondent No. 3 -Board. Mr. D.R.Bhatt, learned counsel appearing for the petitioner is present.

Present application has been filed by the petitioner for a direction on the respondents to cancel the recognition of Sarvodaya Kelavani Mandal, the school run by the Secretary of the said Mandal. The petitioner opened a school and has applied to the Government for recognition of the school. In the meantime, the respondent no.1 have shifted their school on 15th November, 1990 from Ganj Bazar area to Pushpa Kunj society with the approval of the Secondary Education Board.

Learned Government Pleader submitted that the Government has considered the need of shifting of the school in Pushp Kunj area and accordingly permitted the respondent to shift their school from Ganj Bazar society to Pushp Kunj area. Accordingly the Respondent has shifted their school on 15th November, 1990. The petitioner also established their school in the area where the respondent no.1 has shifted their school. The petitioner, being apprehensive that in view of the shifting of school of the respondent no.1, they may not get recognition or affiliation from the Government and the Board, has filed this writ petition to cancel recognition of the respondent no.1 Sarvodaya Kelavani Mandal.

I do not find any illegality committed by the Board by allowing the respondent no.1 to shift their school to Ganj Bazar area to Pushp Kunj society because it is for the Board to consider where an institution should be permitted to be established for the benefits of the students in a particular local area. Shifting of school of the respondent no.1 cannot have any connection with the recognition of the petitioner's school. They cannot challenge the authority of the School Board in permitting the respondent no.1 for shifting the school. The case of the petitioner for recognition may be considered by the Board as and when they apply for the same, but they cannot make any prayer for cancellation of recognition of respondent no.1. It is for the Board to decide whether recognition or affiliation is to be extended or not and no interference with the action taken by the Board is called for in the matter. I do not find any illegality committed by the Board in permitting the respondent no.1 for shifting their school from Ganj Bazar to Pushp Kunj area, and therefore, no interference is

called for in granting permission by the Board.  
Consequently, I do not find any merit of the present writ  
petition and accordingly it is dismissed. No order as to  
costs. Rule is discharged.

Date; 4/5/2000. (P.K.SARKAR, J.)

ccshah